

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 TONY BLACKMAN,

12 Plaintiff,

13 v.

14 B. GOMEZ, *et al.*,

15 Defendants.
16

Case No. 2:21-cv-00821-JDP (PC)

ORDER TRANSFERRING CASE TO THE
SOUTHERN DISTRICT OF CALIFORNIA

17 Plaintiff, a state prisoner proceeding without counsel, has filed a civil rights action
18 pursuant to 42 U.S.C. § 1983.

19 The federal venue statute requires that a civil action, other than one based on diversity
20 jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
21 defendants are residents of the State in which the district is located, (2) a judicial district in which
22 a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part
23 of the property that is the subject of the action is situated, or (3) if there is no district in which an
24 action may otherwise be brought as provided in this section, any judicial district in which any
25 defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C.
26 § 1391(b).


27 In this case, the complaint does not reflect that any of defendants reside in this district,
28 and plaintiff’s claims arose in San Diego County, which is in the Southern District of California.

1 See 28 U.S.C. § 84(a). Thus, this action should have been filed in the United States District Court
2 for the Southern District of California. In the interest of justice, a federal court may transfer a
3 complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); *Starnes v.*
4 *McGuire*, 512 F.2d 918, 932 (D.C. Cir. 1974).

5 Accordingly, it is hereby ORDERED that this matter is transferred to the United States
6 District Court for the Southern District of California.

7
8 IT IS SO ORDERED.

9 Dated: May 14, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE